

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ELAINE RAMBERT

V.

**STATE FARM LLOYDS, and
ZACHARY FOGLE**

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CIVIL ACTION NO. 4:15-cv-00275-0

JURY TRIAL


PLAINTIFF'S OPPOSED MOTION TO REMAND

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

The Court should remand this case back to the 153rd Judicial District Court of Tarrant County, Texas, because the Court lacks subject matter jurisdiction under 29 U.S.C. §1332 (a) as complete diversity of citizenship between the parties is lacking. Defendant State Farm Lloyds ("State Farm") removed this case to this Court on the sole basis that the Plaintiff fraudulently joined Zachary Fogle – a Texas citizen and resident – to this suit in order to avoid the subject matter jurisdiction of this Court. However, State Farm cannot meet its heavy burden of establishing improper joinder because Plaintiff has asserted at least one cause of action against Fogle.

Plaintiff set forth her detailed arguments and authorities in her Brief in Support of Plaintiff's Opposed Motion to Remand, which she is filing in conjunction with this motion pursuant to Local Rule 7.1(d). Plaintiff asks that this Court, after considering this motion and brief, grant this motion and remand this case back to state court.


Respectfully submitted,

By: 
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CERTIFICATE OF CONFERENCE

This is to certify that I conferred with counsel for Defendant, Rhonda Thompson, on the 23rd day of April, 2015, regarding the substance of this Motion to Remand and Defense counsel informed me they would provide me with a response of agreed or opposed on the following Monday, April 27, 2015. I attempted to confer with defense counsel again on Monday, April 27, 2015 regarding the substance of this motion, but did not receive a reply.



Jacey Hornecker

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument was forwarded to counsel of record, pursuant to the applicable Federal Rules of Civil Procedure:

Rhonda J. Thompson
Courtney Kasper
THOMPSON, COE, COUSINS & IRONS, L.L.P.
700 N. Pearl Street, 25th Floor
Dallas, Texas 75201

Dated this 29th day of April, 2015.


Jacey Hornecker